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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,869	07/10/2000	Giancarlo Granata	FMCV0113PUS/199-1623	9855

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VISTEON
C/O BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610

EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,869

Applicant(s)

GRANATA ET AL.

Examiner

Hai Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 16-30 and 32-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 16-21, 36 and 41-43 is/are allowed.
- 6) ☒ Claim(s) 22-27, 29, 30, 32-34 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 28 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The art rejections over Sommer (US 5,544,912) taken alone or in combination with several references are withdrawn because Sommer does not teach the panel wherein at least a portion of the rigid substrate is present substantially through the network of the impregnable layer.
2. The art rejections over Stein (US 5,403,645) in view of GB 1 244 487 are maintained.

Drawings

3. The drawings were received on 07/26/2005. These drawings are accepted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 22-27, 29, 30, 32-34, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al (US 5,403,645) in view of GB 1 244 487 substantially as set forth in the 04/20/2005 Office Action. The art rejections have been maintain for the following reasons. Applicants argue that the combined teachings of Stein and GB'487 does not result in a panel wherein at least a portion of substrate is present substantially throughout the network of the impregnable layer. The examiner disagrees. Stein teaches an interior trim component for a motor vehicle wherein the vinyl skin 10 is a foam material (column 2, lines 13-15). Stein teaches a portion of the rigid backing 20 is present

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through the impregnable vinyl skin 10 (column 2, lines 30-38). Stein does not teach or suggest that the foam vinyl skin 10 is a reticulated foam material. GB 1 244 487 teaches a floor covering having a surface sheet made from a reticulated polyvinyl chloride foam having a compacted pile-like surface and a pleasant resilient feel to the structure (page 1, column 48-50, example 1). In view of teachings of GB'487, one ordinary skill in the art would be motivated to use the reticulated PVC foam having a network within the reticulated material as taught by GB'487 motivated by the desire to provide a pleasant resilient feel to the door trim. Since the vinyl skin of Stein as modified by GB'487 is formed a reticulated material defining a network within the reticulated material as required by the claims, it is not seen that the rigid substrate could have not been present substantially throughout the network of the impregnable layer as the same material is employed. It seems from the claim, if one meets the structure recited, the properties must be met or Applicant's claim is incomplete (Note discussion found in Ex parte Slob, 157 USPQ 172). This is in line with *In re Spada*, 15 USPQ 2d 1655 (1990) which holds that products of identical chemical composition can not have mutually exclusive properties.

Applicants further argue that the GB'487 does not cure the deficiencies of Stein because GB'487 discloses a reticulated polyethylene or polypropylene foam that is not impregnated with any type of material. The arguments are not found persuasive for patentability because there is no need for GB'487 to address an impregnating material because such has been taught in the Stein

reference. The motivation to combine the two references is strong and proper and therefore, the art rejections are sustained.

Allowable Subject Matter

6. Claims 14, 16-21, 36, and 41-43 are allowed. Sommer does not teach a supplemental inflation restraint and door arrangement wherein a portion of the door substrate extends into the foam border as required by the claims. Stein does not teach an interior trim component for a motor vehicle wherein the cover skin is bonded to at least a portion of the non-impregnable layer of the pad and a portion of the substrate. None of the prior art discloses or suggests an automobile interior molded panel wherein a cover skin is bonded to at least a portion of the non-impregnable layer and a portion of the substrate; wherein at least a portion of the rigid substrate is present throughout the impregnable layer; and wherein at least a portion of the rigid substrate is adjacent to the sides of the impregnable layer.
7. Claims 28 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Stein does not teach an interior trim component for a motor vehicle wherein the cover skin is bonded to at least a portion of the non-impregnable layer of the pad and a portion of the substrate.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on M,T,Th, F, 7:00-4:30 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HV



**HAI VO
PRIMARY EXAMINER**